

## **SOCIAL MEDIA PROTOCOL FOR MEMBERS**

### **Purpose of this protocol**

Social media is one of the most important and growing means of communication for individuals and businesses. The Council welcomes Members' increasing use of social media and would like to facilitate this by giving proper advice and support. The Audit and Standards Committee has also, recognising the potential issues that social media raises, asked for some guidance so that Members have greater clarity as to what is and is not acceptable. This protocol is intended to provide such guidance and complements the general rules under the Code of Conduct for Members. As members might expect, the basic position is that the same standards of behaviour and conduct apply online as would be expected offline.

### **What are social media?**

Social media is the term to describe websites and online tools which allow people to interact with each other by creating their own content. The content could, for example, be blogs, videos or short messages, know as tweets, via twitter.

On social media sites users share information, discuss opinions and may create interest groups or pages. Ultimately people use these sites and tools to build online communities and networks which encourage participation and engagement.

It is not a requirement for members to have a Facebook or Twitter account or use other forms of social media. However, If you are already using or planning to use social media in connection with your work as a Councillor, or are already using such media in your private capacity, these guidelines will be relevant.

### Social Media can be used:

- To support councillors in performing their community leadership role
- To keep in touch with local views and opinions
- For political campaigning
- For campaigning on local issues

### Types of Social Media:

- Blogging and microblogging – online journals – Twitter is an example of microblogging, where entries are limited to 140 characters
- Online Forums – people with similar interests sharing information and opinions – AccyWeb is an example
- Social networking sites – these facilitate connections between who already know each other, often in a social context, but are increasingly

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used by businesses to promote their products or services- Facebook is an example

- Video and photo publishing – sharing videos and photographs worldwide – Flickr is an example

### **Things to bear in mind from the beginning:**

- Any form of communication is capable of being misunderstood. While the use of social media should not in theory be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.
- By the nature of such media, “misfiring”, or being misunderstood, particularly with regard to something that is perceived as being more controversial than it was intended to be, is likely to lead to rapid and wide broadcasting of that apparently “controversial”, misunderstood item.
- There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor – you just need to think about them in this new context.
- Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you’ve said on the web is written down and it is permanent. Most pitfalls will be avoided if your online content is accurate, informative, balanced and objective. If in any doubt, speak to the Monitoring Officer, or a member of the Legal Services Team.
- This doesn’t mean that members cannot, in the appropriate context, communicate politically. This is expected of a councillor, but you should be careful not to say anything that you wouldn’t be comfortable repeating or justifying, for example, at a public meeting.
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### **Some general legal issues:**

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. The same thing may happen if, for example, someone else publishes something libellous on your website, you know about it and don’t take swift action to remove it. A successful libel claim could result in the award of damages against you,
- **Copyright** – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore don’t publish anything you are unsure about, or obtain prior permission.

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Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.

- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission.
- **Bias and Predetermination** – if you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have completely and irrevocably made your mind up on an issue that is due to be formally decided upon. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence and arguments, and were genuinely persuadable to a different view. If you weren't, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the council for damages.

### **Social Media and the Code of Conduct for Members generally:**

- Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other written or verbal communication you may engage in. The key to whether your online activity is subject to the Code is whether you are, or even just appear to be, acting in your capacity as a councillor rather than as a private individual.
- Councillors can have “blurred identities”. This can happen where you have a social media account where you comment both as a councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of your organisation or party (rather than you personally) when this may not be the case.
- One way of avoiding blurring of the lines between your personal and councillor life, and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. This is a decision for each member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The council's Communications Section, in particular the Social Media Officer, can help you with more specific advice if needed.

**Particularly Relevant Elements of the Members' Code of Conduct:**

- **You must treat others with respect** - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.
- **You must comply with equality laws** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.
- **You must not bully or intimidate anyone** – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation, whether the comments relate to a council employee, a fellow-councillor or anyone else.
- **You must not bring the council into disrepute** – you should not publish anything that could reasonably be perceived as bringing yourself as a councillor, or the council in general, into disrepute.
- **You must not disclose confidential information** - you must not, in your usage of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.

Members are referred to paragraph 4 of the Members' Code of Conduct for a fuller exposition on non-disclosure of confidential information. There is a perception that inadvertent leaks of the council's confidential information are more likely to take place when a councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off- the cuff nature of much social media communication. Whether this is true or not, members must be careful to apply exactly the same Code of Conduct standards to their social media communications as they would to statements made in a more formal context.

One of the council's most important values is to conduct its business with openness. The inseparable, complementary "other side of the coin" to the council being open in its dealings is for councillors and employees to be clear about what is confidential and make sure it stays confidential.

There is separate more detailed guidance on confidential information available on the Wave or from the Monitoring Officer. If in any doubt, Members should seek advice.

## **Staying out of Trouble - Some Do's and Don'ts**

### **Some Do's**

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network
- Consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries
- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member
- feel able to make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine comments on policy are less likely to be viewed as disrespect.

### **Some Don'ts**

- Blog in haste, particularly in circumstances where your judgement might be impaired; for example if you have consumed alcohol.
- make unguarded statements which could lead to potential liability
- post comments that you would not be prepared to make on paper or face to face
- use council facilities for personal or political blogs
- request or accept a Brighton & Hove City Council employee or contractor providing services to the council as a “friend” on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn.)
- use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council
- publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or

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friends or others e.g. contractors, council staff as well as City Council related information

- represent your personal views, or those of any political party or interest group you belong to, as being those of the council, on any social medium
- browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory
- make conspicuous, excessive and continuous use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

### **General**

The Council wishes to encourage Members' use of new technology, including social media. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk.

The Monitoring Officer and the Social Media Officer in the Communications Team are happy to help Members by providing additional advice and guidance as appropriate. Training is also available to individual Members or Groups on the use of social media.

**Abraham Ghebre-Ghiorghis**

**Monitoring Officer**

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